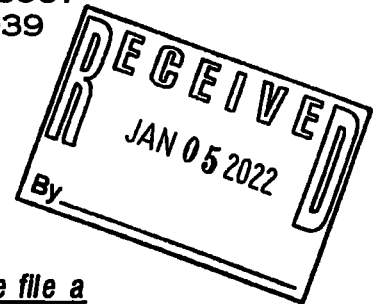


ARIZONA STATE VETERINARY MEDICAL EXAMINING BOARD  
1740 W. ADAMS ST., SUITE 4600, PHOENIX, ARIZONA 85007  
PHONE (602) 364-1PET (1738) FAX (602) 364-1039  
VETBOARD.AZ.GOV



**COMPLAINT INVESTIGATION FORM**

If there is an issue with more than one veterinarian please file a separate Complaint Investigation Form for each veterinarian

PLEASE PRINT OR TYPE

**FOR OFFICE USE ONLY**

Date Received: Jan. 5, 2022 Case Number: 22-69

**A. THIS COMPLAINT IS FILED AGAINST THE FOLLOWING:**

Name of Veterinarian/CVT: Dr. Marianela Francesena  
Premise Name: Circle L Animal Hospital  
Premise Address: 845 Az Hwy 89  
City: Chino Valley State: Az Zip Code: 86323  
Telephone: \_\_\_\_\_

**B. INFORMATION REGARDING THE INDIVIDUAL FILING COMPLAINT\*:**

Name: Juan and Virginia Avala  
Address: [REDACTED]  
City: [REDACTED] State: [REDACTED] Zip Code: [REDACTED]  
Home Telephone: [REDACTED] Cell Telephone: [REDACTED]

\*STATE LAW REQUIRES WE HAVE TO DISCLOSE YOUR NAME UNLESS WE CAN SHOW THAT DISCLOSURE WILL RESULT IN SUBSTANTIAL HARM TO YOU, SOMEONE ELSE OR THE PUBLIC PER A.R.S. § 41-1010. IF YOU HAVE REASON TO BELIEVE THAT SUBSTANTIAL HARM WILL RESULT IN DISCLOSURE OF YOUR NAME PLEASE PROVIDE COPIES OF RESTRAINING ORDERS OR OTHER DOCUMENTATION.

**C. PATIENT INFORMATION (1):**

Name: Zenia Ayala

Breed/Species: Persian Kitten

Age: 4mon Sex: Female Color: White

**PATIENT INFORMATION (2):**

Name: \_\_\_\_\_

Breed/Species: \_\_\_\_\_

Age: \_\_\_\_\_ Sex: \_\_\_\_\_ Color: \_\_\_\_\_

**D. VETERINARIANS WHO HAVE PROVIDED CARE TO THIS PET FOR THIS ISSUE:**

*Please provide the name, address and phone number for each veterinarian.*

Same      Circle L Animal Hospital Chino Valley Az

**E. WITNESS INFORMATION:**

*Please provide the name, address and phone number of each witness that has direct knowledge regarding this case.*

Virginia Sofian & Juan Ayala

**Attestation of Person Requesting Investigation**

By signing this form, I declare that the information contained herein is true and accurate to the best of my knowledge. Further, I authorize the release of any and all medical records or information necessary to complete the investigation of this case.

Signature: 

Date: 01-04-2022

**F. ALLEGATIONS and/or CONCERNS:**

*Please provide all information that you feel is relevant to the complaint. This portion must be either typewritten or clearly printed in ink.*

We acquired Zenia from a breeder in Phoenix Az she was born 08-28-2021 so she was almost 4 months at the time. We just had made appointment for other kittens we had at the time which was a couple days after we picked up Senia so we added her to the appointment to have her check up on and give her her shots. During her first appointment she was giving her first round of shots and a dewormer we were told that she was in fine health only issue was that if we were able to show her as a show cat she had a slight overbite which we did not care about as long as she was healthy. We followed up to make a second appointment by the time this appointment came around Senia had started sneezing and seemed like she had a small cold which started about a week before the second appointment at this point she had a little bit of green snot coming out of her nose but seemed normal for the most part. The veterinarian move forward to check on her after we informed her about Zenia health.

The veterinarian checked Zenia and at this point recommended not to give her her second round of shots. She had informed us that with her battling the cold it would cause her more harm than good to give her the shots so she went forward to notice she had drop a bit of weight and recommended to give her a medication called Enisyl-F as recommended and to put her in the shower with us so she could be in the steam to help her respiratory system at the same time we told her we started giving her some relieve drops we found in the pet store called Homeo pet nose relief she said to keep giving her those as well. We made a follow up appointment and went home and resume to care for Zenia hoping she get better soon. After a few days we noticed she was still dropping weight her nose was worst but still eating and drinking as normal and at the same time none of our other kittens were getting or have gotten sick.

The third appointment came around and Zenia was taken in again by this time her cold was a lot worst we already had acquired over the phone for some antibiotics or other meds cause we knew she needed them but waited to see what the vet would recommend the vet came in looked her over again mention her weight and said something about being genetic maybe which made no sense also mention that she had snot and did not have it on the last visit which she did retract her statement after Virginia told her otherwise and she checked the notes from the visit before. The vet continued to give her the second round of shots and just said keep an eye on her and sent my wife and Zenia on their way I was very confused to find this out when I got home from work because did not make sense why she did not recommend any more medication after noticing her condition for the second time and moving forward with her shots after she advised on the second visit not to do so.

Because it could cause her more harm from what she advised the visit before and had postpone the shots Zenia was more ill than the last time and showed no improvement for her to take those steps and not go another route like treating her severe cold. We made another appointment which was giving to us after xmas break we had plans to go out of town for the weekend because Zenia was not feeling well we decided to take her with us to keep a close eye on her and take her to emergency if needed. The day before we came home she seemed a bit slower and sleepy more than she had been like I said she never did lose her appetite and thirst this whole time so when we called different emergency places they told us as long as she was eating drinking and had bowel movements she could just go to her normal vet check up coming up at one point we were about to take her in the local emergency vet hospital contact it Circle L veterinarians for her records.

The same day we came home they had advised us to bring her into to her vet here in town or emergency so we came home sadly Zenia passed on our way back and never made it home. We were devastated and feel like she was not cared for or treated in the obvious way she was supposed to always felt rushed cause as they said they were too busy we had to call more than four times to get her records after being ignored the first few times.

Arizona State Veterinary Medical Examination Board  
1740 W. Adam St., Suite 4600  
Phoenix, AZ 85007

January 20th, 2022

Marianela Francesena, DVM  
Circle L Animal Hospital  
845 S. Hwy 89  
Chino Valley, AZ 86323

RE: case number 22-69

Dear esteemed board members:

Zenia was first brought to me at Circle L Animal Hospital on November 2nd, 2021 at 9 weeks old for a kitten wellness exam and first FVRCP vaccine by owners, Virginia and Juan Ayala. No concerns were reported. There was no previous vaccine or veterinary history. Aside from having a mild overbite which the owners were made aware of since they reported to be breeders, the rest of the physical exam was unremarkable. I recommended a FeLV and FIV test for screening which was declined. I recommend dropping off a fecal sample for intestinal parasite screening, dewormed orally with pyrantel pamoate and administered a FVRCP vaccine subcutaneously over right left brachium just above the elbow. Owner was advised to bring back Zenia 3 weeks later for her FVRCP booster.

Her second visit was on November 29th, 2021 for a booster vaccine appointment, however, Mr. Ayala (Ms. Ayala was not present) reported at intake that she had been sneezing a little for about a week prior, had been a little lethargic a couple of days prior, but she was showing improvement and had never stopped eating and drinking. On physical exam, she had clinical symptoms consistent with an upper respiratory infection. I discussed differentials, prognosis and management strategies with the owner to help her get through it with as little complications as possible, and prescribed a lysine supplement and erythromycin ointment to apply to both eyes. I recommended returning in a week for the vaccine booster or sooner if she did not continue to improve.

Zenia was brought in for her last visit at the clinic on December 7th, 2021 by Ms. Ayala. She was reported to be sneezing very little, no lethargy had been noted and was eating and drinking normally. She was noted to be underweight with a 4% loss since the previous visit. On physical exam, she was noted to have matted facial fur with dried yellow mucoid discharge as well as a mild amount of nasal discharge. Owner was instructed to keep face clean with a warm wet washcloth and comb and increase her wet/canned food intake to as much as she would eat since they had been feeding this once daily and Zenia always finished her wet food. I discussed differentials for her weight loss and recommend diagnostic tests to start assessment. I discussed possibly starting doxycycline and possible side effects (esophagitis, hyporexia,

vomiting) and we decided, since she was eating well and playful, that she would let me know if Zenia did not continue to improve. If her nasal discharge was not resolved within the week, the plan was to start doxycycline. I also recommended she continue giving her lysine supplement. She agreed to monitor weight at home daily with her baby scale and let us know if she was not gaining weight within 2-3 days of increased food intake. I administered her second FVRCP vaccine subcutaneously just distal to her right lateral elbow and advised to monitor for reaction. Barring any complications or decompensation, the plan was to give her her last kitten FVRCP vaccine 3 weeks later, then rabies and subsequently start leukemia vaccine series 2-3 weeks apart as this is our protocol for kittens. We called Ms. Ayala after 7 days on December 14th, 15th and 16th to make sure Zenia was doing well, since we did not hear from her. We were unable to leave a voicemail as her inbox was full and we did not hear from her again until December 28th after she requested an appointment through petdesk. When our receptionist followed up with her request, she stated that Zenia was very weak and having to be hand fed and she requested that she be seen on December 29th as they were out of state in Nevada. Our receptionist advised her to take her to the nearest veterinary hospital or ER and not wait until the following day. She dismissed this recommendation and said that if I had dispensed the antibiotics she had requested at the first visit, none of this would have happened, and also threatened to sue the clinic if Zenia died. We subsequently received a medical records request from another local clinic (Harmony Holistic Vet Care) that was completed within the day.

It is extremely unfortunate that Zenia passed away and this is the worst news any veterinarian can receive of their patients. However, this outcome was not from lack of care from me or my veterinary team.

I avail myself for any questions or concerns the board may have.

Sincerely,

A handwritten signature in black ink, appearing to be 'M. Francesena', with a long horizontal stroke extending to the right.

Dr. Marianela Francesena

**Douglas A. Ducey**  
- Governor -



**Victoria Whitmore**  
- Executive Director -

**ARIZONA STATE VETERINARY MEDICAL EXAMINING BOARD**

1740 W. Adams Street, Ste. 4600, Phoenix, Arizona 85007

Phone (602) 364-1-PET (1738) \* FAX (602) 364-1039

[vetboard.az.gov](http://vetboard.az.gov)

**INVESTIGATIVE COMMITTEE REPORT**

**TO:** Arizona State Veterinary Medical Examining Board

**FROM:** PM Investigative Committee: Adam Almaraz - Chair  
Amrit Rai, DVM  
Steven Dow, DVM  
Gregg Maura  
Justin McCormick, DVM

**STAFF PRESENT:** Tracy A. Riendeau, CVT - Investigations  
Marc Harris, Assistant Attorney General

**RE:** Case: 22-69

Complainant(s): Juan and Virginia Ayala

Respondent(s): Marianela Francesena, DVM (License: 7690)

**SUMMARY:**

Complaint Received at Board Office: 1/5/22

Committee Discussion: 5/3/22

Board IIR: 6/15/22

**APPLICABLE STATUTES AND RULES:**

Laws as Amended August 2018

(Lime Green); Rules as Revised

September 2013 (Yellow)

On November 2, 2021, "Zenia," a 4-month-old female Persian cat was presented to Respondent for a new kitten exam. The kitten was examined and vaccinated then was discharged.

On November 29, 2021, the kitten was presented to Respondent for booster vaccines. The cat was examined; mucopurulent discharge was present to the eyes and nose. Respondent suspected an upper respiratory infection therefore vaccines were postponed and discharged eye medication and Enisyl F.

On December 7, 2021, the kitten was presented to Respondent for vaccinations. Respondent noted that the cat was underweight; there was mild nasal mucopurulent discharge and matted fur on the cat's face. Respondent vaccinated the cat; it was recommended to increase feeding, monitor weight and if the nasal discharge has not resolved within the week, antibiotics would be dispensed.

On December 28, 2021, Complainants requested an appointment for the following day

as the cat was weak and needing to be hand fed. Respondent's staff recommended taking the cat that day to an emergency facility – Complainants declined.

**Complainants were noticed and appeared.**

**Respondent was noticed and appeared telephonically. Attorney David Stoll was present.**

**The Committee reviewed medical records, testimony, and other documentation as described below:**

- Complainant(s) narrative: *Juan and Virginia Ayala*
- Respondent(s) narrative/medical record: *Mariana Francesena, DVM*

## **PROPOSED 'FINDINGS of FACT':**

1. On November 2, 2021, the cat was presented to Respondent as a new kitten exam. Complaint states the kitten was 4-months-old, Respondent stated the kitten was 9 weeks old on presentation. Upon exam, the cat had a weight = 1.15 pounds, a temperature = 100.4 degrees, a heart rate = 162bpm, and a respiration rate = 30rpm. Respondent noted the cat had a slight overbite but no other abnormalities. FeLV/FIV test was recommended and declined. The cat was administered a dewormer – pyrantel pamoate 0.34mLs orally – and vaccinated with FVRCP vaccine. The cat was discharged with recommendations to bring a fecal in to be tested.

2. On November 29, 2021, the cat was presented to Respondent for a booster vaccine appointment. Mr. Ayala was not present, only Ms. Ayala. She reported that the kitten had been sneezing for approximately one week, the cat was free fed dry food all day and was offered canned food in the morning. The cat was being treated with HomeoPet that was purchased at a pet supply store. Upon exam, the cat had a weight = 1 pound, 12 ounces (1.75 pounds), a temperature = 102.2 degrees, a heart rate = 150bpm, and a respiration rate = purring. Respondent noted that the cat had mild mucopurulent discharge, mild scleritis and conjunctivitis to both eyes as well as mild yellow mucoid bilateral nasal discharge.

3. Respondent suspected upper respiratory infection and herpes virus. She recommended monitoring for anorexia and lethargy. Ms. Ayala reported the kitten was slightly lethargic a couple days prior but had never stopped eating and was gradually improving. Respondent explained that most infections run a course of 7 – 10 days unless secondary infections occur. She recommended continuing the HomeoPet respiratory supplement, start erythromycin and enisyl – vaccinations were postponed for another week. Ms. Ayala was instructed to return if the cat did not improve. The cat was discharged with:

- a. Erythromycin ophthalmic ointment – ¼ inch strip both eyes twice a day for 7 days; and
- b. Enisyl F paste – give one pump (1mL) orally once a day for 7 – 10 days.

4. On December 7, 2021, the cat was presented to Respondent by Ms. Ayala for vaccinations. Ms. Ayala reported that the cat was sneezing less and was still eating well. Upon exam, the cat had a weight = 1.69 pounds, a temperature = no taken, a heart rate =

158bpm and a respiration rate = purring. Respondent noted that the kitten was underweight and had lost approximately 4% of her body weight since last visit. There was matting of fur along the cat's face with dried mucous discharge therefore she recommended routine cleaning with a warm washcloth and comb. There was also mild bilateral nasal mucoid discharge present.

5. Respondent vaccinated the kitten for FVRCP, recommended increase in wet food to twice a day and monitor the cat's weight every 2 – 3 days. If the nasal discharge did not resolve within the week, a 7 day course of doxycycline oral suspension would be dispensed. Respondent discussed the possibility of a liver shunt as possible cause for not gaining weight and recommended blood work if there was no weight gain with the increased feeding. The cat was discharged with instructions to continue the lysine supplementation.

6. On December 14, 15, and 16, 2021, Respondent's staff attempted to call to check on the kitten to make sure she was doing well. They were unable to leave a voicemail as the inbox was full.

7. On December 28, 2021, an appointment was requested through PetDesk. Staff followed up with the request; Ms. Ayala advised that the cat was very weak and was having to be hand fed. An appointment for the following day was requested as Complainants were in Nevada at that time. Staff recommended they take the cat to the nearest emergency facility or veterinary hospital and not wait until the following day. Complainant declined. Ms. Ayala further stated that if they had dispensed the antibiotics she had requested at the first visit, none of this would have happened.

8. Complainants reported that the cat passed away later that day. They expressed concern that the cat was not treated properly. Also, they requested a copy of the medical records and had to call four (4) times before they were able to get a copy. The medical records shows that the medical records were requested on December 31, 2021 and were emailed on January 3, 2022, however, they were not readable therefore they were mailed to Complainants the following day.

#### **COMMITTEE DISCUSSION:**

The Committee discussed that the medical record documented Respondent's recommendations that were made and the progression of the kitten's condition. Additionally, the premises attempted to reach out to Complainant's to get an update on the kitten several times and could not get through due to their voicemail being full.

Communications occurred and viral testing was offered. Vaccinated kitten was warranted on December 7<sup>th</sup> as the respiratory symptoms were clearing up and the cat needed protection from its environment in the cattery.

The medical records were provided to Complainants timely.

**COMMITTEE'S PROPOSED CONCLUSIONS of LAW:**

The Committee concluded that no violations of the Veterinary Practice Act occurred.

**COMMITTEE'S RECOMMENDED DISPOSITION:**

**Motion:** It was moved and seconded the Board:

*Dismiss this issue with no violation.*

**Vote:** The motion was approved with a vote of 5 to 0.

*The information contained in this report was obtained from the case file, which includes the complaint, the respondent's response, any consulting veterinarian or witness input, and any other sources used to gather information for the investigation.*

TR

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Tracy A. Riendeau, CVT  
Investigative Division